

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

JOHN WOODS

Plaintiff(s)

vs.

THE BOEING COMPANY

Defendant(s)

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2013-CP - 10- 5524

(Please Print)

Submitted By: Laura C. Waring

Address: PO Box 816 Charleston, SC 29402

SC Bar #:

Telephone #: 843722-0311

Fax #: 843-722-1374

Other:

E-mail: laura.waring@grimcab.com

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this cover sheet must be served on the defendant(s) along with the Summons and Complaint.

**DOCKETING INFORMATION (Check all that apply)***\*If Action is Judgment/Settlement do not complete*

- ☒ **JURY TRIAL** demanded in complaint. ☐ **NON-JURY TRIAL** demanded in complaint.
- ☐ This case is subject to **ARBITRATION** pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- ☐ This case is subject to **MEDIATION** pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- ☐ This case is exempt from ADR. (Proof of ADR/Exemption Attached)

**NATURE OF ACTION (Check One Box Below)**

- |   |  |   |   |
|---|--|---|---|
| <b>Contracts</b><br><input type="checkbox"/> Constructions (100)<br><input type="checkbox"/> Debt Collection (110)<br><input checked="" type="checkbox"/> Employment (120)<br><input type="checkbox"/> General (130)<br><input type="checkbox"/> Breach of Contract (140)<br><input type="checkbox"/> Other (199) | <b>Torts - Professional Malpractice</b><br><input type="checkbox"/> Dental Malpractice (200)<br><input type="checkbox"/> Legal Malpractice (210)<br><input type="checkbox"/> Medical Malpractice (220)<br>Previous Notice of Intent Case #<br>20____-CP-_____<br><input type="checkbox"/> Notice/ File Med Mal (230)<br><input type="checkbox"/> Other (299)   | <b>Torts - Personal Injury</b><br><input type="checkbox"/> Assault/Slander/Libel (300)<br><input type="checkbox"/> Conversion (310)<br><input type="checkbox"/> Motor Vehicle Accident (320)<br><input type="checkbox"/> Premises Liability (330)<br><input type="checkbox"/> Products Liability (340)<br><input type="checkbox"/> Personal Injury (350)<br><input type="checkbox"/> Wrongful Death (360)<br><input type="checkbox"/> Other (399) | <b>Real Property</b><br><input type="checkbox"/> Claim & Delivery (400)<br><input type="checkbox"/> Condemnation (410)<br><input type="checkbox"/> Foreclosure (420)<br><input type="checkbox"/> Mechanic's Lien (430)<br><input type="checkbox"/> Partition (440)<br><input type="checkbox"/> Possession (450)<br><input type="checkbox"/> Building Code Violation (460)<br><input type="checkbox"/> Other (499)   |
| <b>Inmate Petitions</b><br><input type="checkbox"/> PCR (500)<br><input type="checkbox"/> Mandamus (520)<br><input type="checkbox"/> Habeas Corpus (530)<br><input type="checkbox"/> Other (599)  | <b>Judgments/Settlements</b><br><input type="checkbox"/> Death Settlement (700)<br><input type="checkbox"/> Foreign Judgment (710)<br><input type="checkbox"/> Magistrate's Judgment (720)<br><input type="checkbox"/> Minor Settlement (730)<br><input type="checkbox"/> Transcript Judgment (740)<br><input type="checkbox"/> Lis Pendens (750)<br><input type="checkbox"/> Transfer of Structured Settlement Payment Rights Application (760)<br><input type="checkbox"/> Other (799) | <b>Administrative Law/Relief</b><br><input type="checkbox"/> Reinstate Driver's License (800)<br><input type="checkbox"/> Judicial Review (810)<br><input type="checkbox"/> Relief (820)<br><input type="checkbox"/> Permanent Injunction (830)<br><input type="checkbox"/> Forfeiture-Petition (840)<br><input type="checkbox"/> Forfeiture-Consent Order (850)<br><input type="checkbox"/> Other (899)  | <b>Appeals</b><br><input type="checkbox"/> Arbitration (900)<br><input type="checkbox"/> Magistrate-Civil (910)<br><input type="checkbox"/> Magistrate-Criminal (920)<br><input type="checkbox"/> Municipal (930)<br><input type="checkbox"/> Probate Court (940)<br><input type="checkbox"/> SCDOT (950)<br><input type="checkbox"/> Worker's Comp (960)<br><input type="checkbox"/> Zoning Board (970)<br><input type="checkbox"/> Public Service Commission (990)<br><input type="checkbox"/> Employment Security Comm (991)<br><input type="checkbox"/> Other (999) |
| <b>Special/Complex /Other</b><br><input type="checkbox"/> Environmental (600)<br><input type="checkbox"/> Automobile Arb. (610)<br><input type="checkbox"/> Medical (620)<br><input type="checkbox"/> Other (699)   |  |   |   |
| <input type="checkbox"/> Pharmaceuticals (630)<br><input type="checkbox"/> Unfair Trade Practices (640)<br><input type="checkbox"/> Out-of State Depositions (650)<br><input type="checkbox"/> Motion to Quash Subpoena in an Out-of-County Action (660)<br><input type="checkbox"/> Sexual Predator (510)        |  |   |   |

Submitting Party Signature: \_\_\_\_\_

Date: 09/19/2013

**Note:** Frivolous civil proceedings may be subject to sanctions pursuant to SCRCF, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

STATE OF SOUTH CAROLINA ) IN THE COURT OF COMMON PLEAS  
COUNTY OF CHARLESTON ) FOR THE NINTH JUDICIAL CIRCUIT  
C.A. NO.: 2013-CP-10-5524

JOHN WOODS )

Plaintiff, )

vs. )

THE BOEING COMPANY, )

Defendant. )

**SUMMONS**

) Wrongful Discharge in Violation of Public Policy


FILED  
2013 SEP 19 PM 4:23  
JAMES H. STRONG  
CLERK OF COURT

TO THE DEFENDANT ABOVE NAMED:

YOU ARE HEREBY SUMMONED AND REQUIRED to answer the Complaint in this action, a copy of which is herewith served upon you, and to serve a copy of your answer to the said Complaint on the Plaintiff or its counsel, Laura C. Waring, at the offices of Grimball & Cabaniss, LLC 473 Savannah Highway, Charleston, South Carolina, 29407, or at Post Office Box 816, Charleston, South Carolina, 29402, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the Complaint in this action within the time aforesaid, the Plaintiff will apply to the Court for Judgment by default for the relief demanded in the Complaint.

Dated: September 19, 2013  
Charleston, South Carolina

GRIMBALL & CABANISS, L.L.C.

By   
LAURA C. WARING  
PO Box 816  
Charleston, SC 29402  
(843) 722-0311  
e-mail: laura.waring@grimcab.com  
ATTORNEYS FOR THE PLAINTIFF

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON	)	C.A. NO.: 2013-CP-10- 5524
JOHN WOODS	)	
	)	
Plaintiff,	)	
	)	
vs.	)	<b><u>COMPLAINT</u></b>
	)	
THE BOEING COMPANY,	)	Wrongful Discharge in Violation of Public Policy
	)	
Defendant.	)	
	)	

FILED  
2013 SEP 19 PM 4:23  
JULIA GIBBS, CLERK  
CLERK OF COURT

Plaintiff John Woods ("Plaintiff") brings this action against Defendant The Boeing Company ("Boeing") based on the allegations set forth below.

**PARTIES**

1. Mr. Woods is an engineer who was employed by Boeing to, among other things, create and design repair templates for the first of its kind all composite fuselage of the 787 Dreamliner.

2. Boeing is a foreign corporation supported in part by public funds from the State of South Carolina and/or expending public funds; which opened a North Charleston, South Carolina, facility in 2009 specifically based upon incentives and large sums of public money given to promote and develop South Carolina's economy.

**JURISDICTION**

3. The Court has subject matter jurisdiction over the claims in this lawsuit under common law, as a court of last resort since a Court of competent jurisdiction has ruled that the South Carolina Whistleblower Act, South Carolina Code § 8-27-10 et sec., does not apply to

Boeing, thus leaving Mr. Woods without an adequate remedy at law for these specific violations of public policy, even if he might be entitled to relief under the ADAAA for discrimination specific to his disabilities.

4. The Court has personal jurisdiction over Boeing because it operates and maintains property in South Carolina.

### **VENUE**

5. Venue is proper in this circuit because Boeing operates and owns property in Charleston County.

### **FACTS**

6. In September 2009, John Woods was hired by Boeing for the Position of Level 3 Manufacturing Engineer.

7. As an engineer with over 20 years experience, one of Woods' job functions was to create and design composite repair templates which were to be used in guiding subsequent fuselage repairs so that these repair processes would be conducted uniformly.

8. For the first ten months at Boeing, Woods was engaged in production and repair of the fiber reinforced plastic (composite material) fuselage of the 787. He interacted with other Boeing employees around the country to share necessary data for quality assurance, reviewing existing planning instruments and repair specifications, and setting up training programs which would insure that those performing these repairs had proper certification to do so.

9. In the first ten months, Woods did not receive any substantial criticism of his work and was not subject to any formal or informal disciplinary actions, but he began to experience harassment and retaliation for speaking out about quality concerns, culminating on or

around July 13, 2010 when he submitted a written complaint to Boeing Human Resources, under its internal complaint policies, that he was experiencing harassment and retaliation for his insistence on adhering to appropriate quality and safety standards.

9. After that report, Mr. Woods continued to receive harassment and retaliation for his insistence on quality and safety standards, not only from coworkers, but from production supervisors and managers, and his own Manufacturing Engineering supervisor and manager. The harassment was so severe and pervasive that Woods reported additional internal complaints to Boeing Ethics on September 14, 2010.

10. On September 17, 2010, Mr. Woods emailed the Boeing Ethics representative Jeffery Culp with further complaints of harassment and retaliation. Boeing employees were pressuring him to remove FAA specifications from his work instruction documents and restricting his communication. These particular operations were specifically required to be included in the work instructions by law, including but not limited to Title 14, Code of Federal Regulations, Parts 21 and 43.

11. On September 21, 2010 Boeing fired Mr. Woods while his Boeing Ethics complaint and separate Boeing EEO complaint were still pending, for failure to abide by its Performance Improvement Plan.

12. On December 10, 2010, months after termination, Boeing dismissed Woods' Ethics complaints. Because Plaintiffs' concerns were not only specific to his own well-being but had the potential to affect the safety, employment, and well-being of others, he made a formal complaint to OSHA and DOL as well as the Federal Aviation Authority, "FAA."

13. On July 27, 2011, the FAA sent a letter to Woods, thanking him for his assistance and informing him that their investigation of Boeing had established “that a violation of an order, regulation, or standard relating to air carrier safety operations may have occurred” and the FAA was taking appropriate corrective action [Exhibit A]. He was not told exactly what the FAA had found or what the corrective action was. Subsequently, Woods requested the results of the investigation under the Freedom of Information Act, hereinafter “FOIA,” which he received January 13, 2012.

14. Upon review of the FAA FOIA responses in January 2012, Woods learned that in July 2011, the FAA had found that the manufacturing planning for Material Review Board repairs at Boeing South Carolina did not meet specification requirements and lacked revision control.

15. In August 2012, in the course of discovery in a separate lawsuit concerning Boeing’s discrimination against Woods under the Americans With Disabilities Act, as amended, “ADAAA,” Woods came into possession of certain documents which he did not have at the time of his FAA complaint or internal Boeing complaints. These documents revealed that as early as June 2010, his Boeing supervisors and other team leaders had been working to get him removed from his position.

16. Long after the fact, it became evident Boeing supervisors and team leaders had actively tried to prevent Woods from communicating with his counterparts in Everett Washington so that Boeing South Carolina could handle its own business. Had Woods known more specifically what had transpired prior to his termination, he would have reported that information to be investigated in tandem with his FAA complaint.

**FOR A FIRST CAUSE OF ACTION**  
**(Violation of Public Policy)**

17. Plaintiff incorporates the allegations of paragraphs 1-16 as if stated verbatim.

18. The FAA has promulgated numerous specifications which are clear mandates for public policy, including certification for products, articles, and part of aircrafts.

19. Fuselage is a primary structural part, failure of which could cause mass casualty. Types of failures include weakened structural properties, tensile strength, compression strength, and flexure strength. Dynamic (cyclic) loading on the fuselage could create fatigue damage at the repair site which could increase over time and ultimately fail. If a repair is conducted with incomplete or faulty instructions or incomplete/improper training, this repair may skip certain inspections points, which could have deleterious results, including delamination, leading to a large structural flaw.

20. Plaintiff reported to the FAA that Boeing utilized inadequate manufacturing planning documents that lacked revision control and were missing inspection steps.

21. The FAA found that the manufacturing planning for Material Review Board repairs at Boeing South Carolina did not meet specification requirements and lacked revision control.

22. The FAA also found Boeing South Carolina deviated from manufacturing planning requirements by substituting the instruction 'verify' for 'inspect' in multiple instances and by omitting required references of manufacturing planning.

23. If John Woods had taken out the FAA specifications from his work product, as he was pressured to do, it would have been in violation of Federal Law.

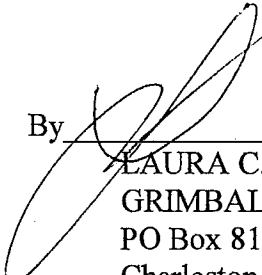
24. After Woods complained to Ethics about the pressure placed upon him to lower his work detail standards, he was fired for cause one week later. It was over a year before he was able to find permanent employment.

24. Woods has been forced to hire present counsel in order to prosecute these claims and clear his employment history, and has suffered severe financial losses and humiliation.

WHEREFORE, Plaintiff prays for the following relief.

- a. Public apology for its actions taken against Woods in violation of public policy and retraction of disciplinary actions from his employment file;.
- b. Reinstatement to his former position, or
- c. Lost wages, travel expenses, and funds expended in seeking other employment;
- d. Attorneys' fees and expenses as Plaintiff incurred and/or
- e. Such other and further relief as the Court deems appropriate.

By

  
\_\_\_\_\_  
LAURA C. WARING  
GRIMBALL & CABANISS, L.L.C.  
PO Box 816  
Charleston, SC 29402  
(843) 722-0311  
e-mail: [laura.waring@grimcab.com](mailto:laura.waring@grimcab.com)

ATTORNEYS FOR THE PLAINTIFF

Charleston, SC

September 19, 2013



**EXHIBIT****FOR OFFICIAL USE ONLY**

U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

Office of Audit and Evaluation  
800 Independence Ave., SW.  
Washington, DC 20591

**WARNING.** This letter contains information that belongs to the Federal Aviation Administration (FAA) and may only be used for official Government purposes. The information contained in this letter may not be released without the expressed permission of the FAA. Refer all requests for this information to the FAA Whistleblower Protection Program office.

JUL 27 2011

Mr. John J. Woods  
1600 Long Grove Drive, Unit 1015  
Mount Pleasant, SC 29464

RE: WB1158

Dear Mr. Woods,

This letter is to inform you of the preliminary results of the Federal Aviation Administration's (FAA) investigation of the air carrier safety aspects of your complaint against The Boeing Company under the Whistleblower Protection Program 49 U.S.C. § 42121.

The FAA has completed its preliminary investigation of the safety allegations contained in your complaint. This investigation has established that a violation of an order, regulation, or standard relating to air carrier safety operations may have occurred. Therefore, the FAA is taking appropriate corrective action concerning this matter. If additional information is required from you, an FAA investigator or attorney will contact you.

Please note that the FAA's disposition of the safety issues outlined in your complaint is independent of the U.S. Department of Labor's separate investigation into your allegations of discrimination.

Thank you for bringing this matter to our attention.

Sincerely,

*Al Westrom*

Al Westrom  
Acting Manager, Whistleblower Protection Program

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**FOR OFFICIAL USE ONLY**

PUBLIC AVAILABILITY TO BE DETERMINED  
UNDER 5 USC 552

STATE OF SOUTH CAROLINA )  
COUNTY OF CHARLESTON )

IN THE COURT OF COMMON PLEAS  
FOR THE NINTH JUDICIAL CIRCUIT  
C.A. NO.: 2013-CP-10- 5524

JOHN WOODS )

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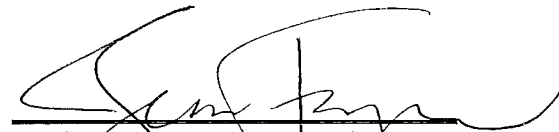
Defendant. )

**CERTIFICATE OF MAILING**

FILED  
2013 SEP 19 PM 4:29  
JULIE A. STRONG  
CLERK OF COURT

I do hereby certify that I have on this 19th day of September , caused the foregoing Summons and Complaint to be served on Defendant herein by mailing true and correct copies thereof, in the U.S. Certified Mail, postage pre-paid, to the following addresses:

Corporation Service Co., Registered Agent  
The Boeing Company  
1703 Laurel Street  
Columbia, SC 29201  
***Via Certified Mail***



Jessica Fougrousse, Legal Assistant  
**GRIMBALL & CABANISS, LLC**  
473 Savannah Highway (29407)  
P.O. Box 816  
Charleston, SC 29402  
(843) 722-0311  
(843) 722-1374 (fax)

GRIMBALL & CABANISS, L.L.C.

ATTORNEYS AT LAW  
473 SAVANNAH HIGHWAY  
POST OFFICE BOX 816

CHARLESTON, SOUTH CAROLINA 29402-0816

TELEPHONE (843) 722-0311  
FACSIMILE (843) 722-1374

E-MAIL law@grimcab.com  
www.grimcab.com

September 19, 2013

The Honorable Julie J. Armstrong  
Charleston County Clerk of Court  
100 Broad Street, Suite 106  
Charleston, SC 29401

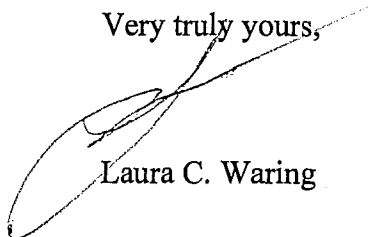
Re: John J. Woods v. Boeing Company

Dear Julie:

This office represents the Plaintiff in the above-referenced matter. Enclosed are the originals and one copy each of a Civil Action Cover Sheet, Summons and Complaint on behalf of our client. Also enclosed is a check in the amount of \$150.00 for filing. Please record these documents and return the clocked copies to this office in the envelope provided.

Thanking you for your attention in this matter, I am

Very truly yours,

A handwritten signature in black ink, appearing to read 'Laura C. Waring', is written over the typed name.

Laura C. Waring

LCW/jlf

Enclosures (as noted)

Cc: Corporation Service Co., Registered Agent  
Cherie Blackburn, Esquire